

ORDINANCE NO. 2008-23-159

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING SECTION 12 OF ORDINANCE NO. 2005-12-50, AS AMENDED, TO CHANGE THE DATE FOR THE INSTALLATION OF NEW OFFICERS; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Miami Gardens previously adopted Ordinance No. 2005-12-50 ("Ordinance"), which established the processes for the City' elections, and

WHEREAS, the City Council deems it necessary and appropriate to amend Section 12 of the Ordinance to change the date for the installation new officers, since this year, the date for installation would fall on Labor Day, a National holiday.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, as follows:

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. AMENDMENT: Section 12 of Ordinance No. 2005-12-50 is hereby amended as follows:

Section 12. Installation of new officers.

The City Council shall meet at 12:00 noon on the first Monday after a general election, and in the event a run-off election is necessary, the City Council shall also meet at 12:00 noon on the first Monday after said run-off election, for the purpose of receiving the certificate of election results from the City Clerk. In the event Monday falls on a holiday, the results shall be certified on the following Tuesday. The City Council shall accept the results thereof by resolution and

shall declare the new officers to be elected, at which time the City Clerk or any other person authorized by law to take oaths, shall administer the oath and the new officers shall be installed and shall enter upon the discharge of their duties. In the event a run-off election is necessary, the new officer(s) shall be declared elected subsequent to canvass of election returns on the day after said run-off election, at which time the City Clerk, or any other person authorized by law to take oaths, shall administer the oath, and the new officers shall be installed and shall enter upon the discharge of their duties.

SECTION 4. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

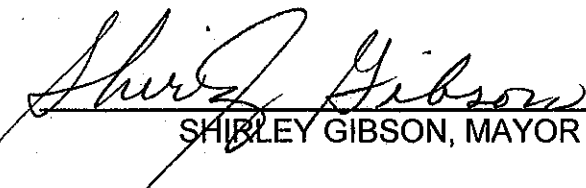
SECTION 5. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 6. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

SECTION 7. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 11th DAY OF June 2008.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 25th DAY OF JUNE, 2008.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: RONETTA TAYLOR, CITY CLERK

MOVED BY: Vice Mayor Watson
SECONDED BY: Councilman Bratton

VOTE: 7-0

Vice Mayor Barbara Watson	<u>X</u> (Yes)	___ (No)
Councilman Melvin L. Bratton	<u>X</u> (Yes)	___ (No)
Councilman Andre' Williams	<u>X</u> (Yes)	___ (No)
Councilwoman Sharon Pritchett	<u>X</u> (Yes)	___ (No)
Councilman Aaron Campbell Jr.	<u>X</u> (Yes)	___ (No)
Councilman Oliver Gilbert III	<u>X</u> (Yes)	___ (No)

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City of Miami Gardens

1515 NW 167th Street
Bldg. 5, Suite 200
Miami Gardens, Florida 33169



Mayor Shirley Gibson
Vice Mayor Barbara Watson
Councilman Melvin L. Bratton
Councilman Aaron Campbell Jr.
Councilman Oliver Gilbert III
Councilwoman Sharon Pritchett
Councilman André Williams

Agenda Cover Page

Date: June 25, 2008

Fiscal Impact: No X ☐ Yes ☐

(If yes, explain in Staff Summary)

Funding Source:

Contract/P.O. Requirement: Yes ☐ No ☐

Sponsor Name/Department:

Ronetta Taylor, CMC, City Clerk

Public hearing X

Ordinance X

1st Reading ☐

Advertising requirement: Yes X No

RFP/RFQ # _____

Quasi-Judicial ☐

Resolution ☐

2nd Reading X

Yes ☐ No X

Title

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Staff Summary

This is a housekeeping measure, which provides for a change in date for the certification of the General Election. In 2007 the Florida Legislature changed its Primary Election to read "in each year in which a general election is held, a primary election for nomination of candidates of political parties shall be held on the Tuesday ten (10) weeks prior to the general election. Furthermore, the City of Miami Gardens' Charter provides that the City's General Election will be held in conjunction with the State of Florida's Primary. Which means the City's General election will be held along the State of Florida's Election, on Tuesday, August 26, 2008.

In addition, the City adopted Ordinance No. 2005-12-50, which established the City's election code. Section 12 of that ordinance entitled "**Installation of new officers**" provides "The City Council shall meet at 12:00 noon on the first Monday after a general

election, and in the event a run-off election is necessary, the City Council shall also meet at 12:00 noon on the first Monday after said run-off election, for the purpose of receiving the certificate of election results from the City Clerk. Since the City's General Election date has changed from the first Tuesday in September to the last Tuesday in August, that first Monday, will fall on Labor Day. This amendment would provide that "In the event Monday falls on a holiday, the results shall be certified on the following Tuesday."

Recommendation: Adopt this housekeeping measure.